

## **REMARKS**

The Office Action mailed February 9, 2005 has been received and the Examiner's comments carefully reviewed. Claims 1 and 2 have been amended. Claims 20-26 have been added. No new subject matter has been added. Claims 10-19 have been cancelled. Claims 1-9 and 20-26 are currently pending. Applicants respectfully submit that the pending claims are in condition for allowance.

The Examiner indicated that some of the references listed on Applicants' Information Disclosure Statement of July 23, 2003 have not been considered. Under separate letter, Applicants' have herewith resubmitted the references not considered along with a new Form 1449.

## **Rejections Under 35 U.S.C. §102**

The Examiner rejected claims 1-6, 8 and 9 under 35 U.S.C. §102(b) as being anticipated by Zetena (U.S. Patent 5,316,244). Applicants respectfully traverse this rejection, but have amended claims 1 and 2 to advance this application to allowance. Applicants reserve the right to pursue the original subject matter via a continuing application.

Zetena discloses a cable raceway having channel members 5 interconnected by a telescope member 15. "A raceway is installed by taking the necessary channel members 5 for the length desired and linking them together with telescope members 15, by sliding the telescope member over adjacent ends of channel members 5. Thus, there will be one telescope member 15 between each two channel members 5." Column 3, lines 12-17.

Each of independent claims 1 and 2 now recites a method of assembling a cable routing system including connecting first and second trough sections of a telescoping trough to end members. The end members are spaced apart a fixed distance. The first and second trough sections of the telescoping trough are in sliding contact with one another.

Zetena does not disclose a telescoping trough having two trough sections that are in sliding contact with one another. For example, referring to the enclosed annotated FIG. 19 of Zetena, the telescope member (e.g., 15A) does not have first and second trough sections in sliding contact with one another that connect to the fixed ends of first and second channels 5A, 5B. Rather, the telescope member 15A is a single piece construction.

In the alternative, if one of the channel members (e.g., 5A) and one of the telescope members 15A are to be characterized as first and second trough sections, Zetena still does not disclose the structural limitation clarified in claims 1 and 2. In particular, the channel member 5A and the telescope member 15A of Zetena are not each attached to end members that are spaced apart a fixed distance. Rather, the channel member 5A is attached to an end, i.e., another telescope member 15B, that is moveable, not fixed. Accordingly, the distance between the ends 15B and 5B to which the sections connect is an adjustable distance, not a fixed distance as required by claims 1 and 2.

At least for these reasons, Applicants respectfully submit that independent claims 1 and 2, and dependent claims 3-6, 8, and 9 are patentable.

#### **Rejections Under 35 U.S.C. §103**

The Examiner rejected claim 7 under 35 U.S.C. §103(a) as being unpatentable over Zetena (U.S. Patent 5,316,244) in view of Merckle (U.S. Patent 3,351,699). Applicants respectfully traverse this rejection.

Claim 7 depends upon claim 2. In view of the remarks regarding independent claim 2, further discussion regarding the independent patentability of dependent claim 7 is believed to be unnecessary. Applicants submit that dependent claim 7 is in condition for allowance.

#### **New Claims 20-26**

New claim 20 recites a method of assembling a cable routing system, including connecting first and second trough sections of a telescoping trough to ends of first and second cable trough members. The ends of the first and second cable trough members are immovable. The first and second trough sections of the telescoping trough are in sliding contact with one another. At least for similar reasons as discussed with regards to claims 1 and 2, Applicants respectfully submit that independent claim 20 and dependent claims 21-26 are patentable.

#### **SUMMARY**

It is respectfully submitted that each of the presently pending claims (claims 1-9 and 20-26) is in condition for allowance and notification to that effect is requested. The Examiner is

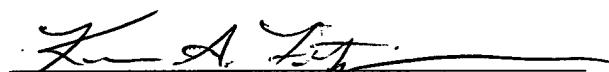
invited to contact Applicants' representative at the below-listed telephone number if it is believed that prosecution of this application may be assisted thereby.

Although certain arguments regarding patentability are set forth herein, there may be other arguments and reasons why the claimed invention is patentably distinct. Applicants reserve the right to raise these arguments in the future.

Respectfully submitted,

MERCHANT & GOULD P.C.  
P.O. Box 2903  
Minneapolis, Minnesota 55402-0903  
(612) 332-5300

Date: May 6, 2005

  
Karen A. Fitzsimmons  
Reg. No. 50,470  
KAF:cjm